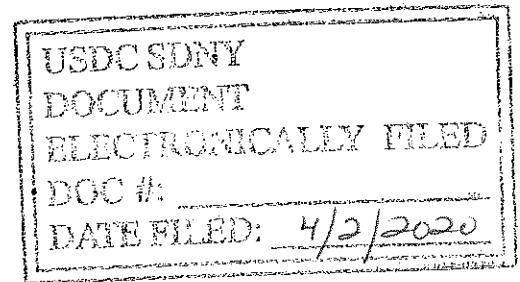


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March 28, 2020

ECF

Honorable Denise L. Cote
United States District Judge
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, N.Y. 10007

MEMO ENDORSED

**Re: U.S. v. Andre Cunningham, 13 Cr. 242-014 ((DLC))
Defense request for early release from inpatient drug
program due to COVID-19 health crisis.**

Dear Judge Cote:

Because of the current COVID-19 health crisis, I am respectfully requesting an order for early release of Mr. Andre Cunningham from court-mandated inpatient drug treatment at Samaritan Daytop Village. As of today, Mr. Cunningham has completed more than half of his court-ordered 90-day treatment (50 days, February 7 - March 28).

After speaking with staff member Mr. Floyd Youmans (718- 657-8010), he confirmed Mr. Cunningham's information that the facility is seeking to mitigate the spread of the virus by reducing patient population with early release. Familiar with Mr. Cunningham's history of non-compliance with supervised release, when I first spoke to him about his request I advised him to take up the matter with his Supervised Release Officer, USPO Margaret CmToll. USPO Carroll informed me that she is opposed to his early release notwithstanding that Mr. Cunningham's brother, Mr. Jedey Cunningham, a resident of the Bronx, is willing to take him into his apartment to live with the rest of his family. His brother also informed me of his willingness to cooperate with probation by making himself available for an interview and to permit a home inspection upon request.

After consulting with AUSA Jared Lenow, the government's position, based on the facts as known, is that having Mr. Cunningham travel to and take up residence at an apartment building in the Bronx with a number of family members may actually present greater safety risks to both Mr. Cunningham and his family than if he remained at the inpatient facility. Additionally, for the government it appears that Mr. Cunningham is still very much in need of the services offered by the inpatient facility.

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March 28, 2020

Finally, for the Court's consideration, Mr. Cunningham informed me that the facility has not tested anyone for the virus and I was informed by his brother that no one living at the residence is infected with it.

If Your Honor has questions about this request, I am available immediately by cellular phone at 917-751-5754.

Thank you.

Respectfully submitted,
s/ Richard Palma

hard Palma (Bar No. rp 4441)

Copy: AUSA Jared Lenow
USPO Margaret Carroll

Denied.

So Ordered: April 2, 2020



DENISE COTE

United States District Judge